

OFFICIAL GAZETTE



GOVERNMENT OF GOA

NOTE:- There is one Extraordinary issue to the Official Gazette, Series I No. 30 dated 23-10-97, namely Extraordinary dated 27-10-97 from pages 553 to 554 regarding Notification from Department of General Administration.

GOVERNMENT OF GOA

Department of Panchayat Raj & Community
Development

Directorate of Panchayats

Notification

17/DP/PAN/CO-OPT/97

The following draft rules which the Government proposes to make under the second proviso to sub-section (4) of section 7 of the Goa Panchayat Raj Act, 1994 (Goa Act No. 14 of 1994), are hereby pre-published as required by sub-section (1) of section 240 of the said Act, for information of the persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration by the Government on the expiry of fifteen days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the said draft rules may be forwarded to the Director of Panchayats and Ex-Officio Joint Secretary to the Government of Goa, 3rd lift, 3rd floor, Junta House, Panaji before the expiry of fifteen days from the date of publication of this Notification in the Official Gazette.

DRAFT RULES

In exercise of the powers conferred by sub-section (4) of section 7 read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act No. 14 of 1994) the Government of Goa hereby makes the following rules namely:—

CHAPTER - I

1. *Short title and commencement.*— (1) These rules may be called the Goa Panchayat Raj (Co option of Members) Rules, 1997.

(2) They shall come into force at once.

2. *Definitions.*— In these rules, unless the context otherwise requires, —

- (a) "Act" means the Goa Panchayat Raj Act, 1994 (Act 14 of 1994);
- (b) "Co-option" means the election of a person belonging to Scheduled Caste by members of the Panchayat, as and when directed by the Government by an Order published in the Official Gazette;
- (c) "Member" means a member of a Panchayat;
- (d) "Presiding Officer" means the Officer appointed by the Director to preside over the meeting for co-opting a person belonging to the Scheduled Caste;
- (e) "Section" means section of the Act;
- (f) Words and expressions used but not defined in these rules, shall have the same meaning as respectively assigned to them in the Act.

CHAPTER - II

3. *Appointment of date of meeting.*— Where a person belonging to a Scheduled Caste is to be co-opted under the sub-section (4) of section 7 of the Act, the Director shall fix a special meeting of elected members of a Panchayat for the purpose.

4. *Notice of special meeting.*— (1) After the date of the special meeting is fixed as per rule 3 above the Block Development Officer shall issue a notice in writing to Panchayat/s within his jurisdiction, three days in advance stating therein the date and time when the special meeting shall take place. Such a Notice shall be affixed on the Notice Board of the Panchayat. The Notice inter-alia shall state the following:

- (a) the number of persons to be co-opted;
- (b) the place, date, hours and before whom the nomination papers shall be filed;
- (c) the place and date on which and the hours between which the nomination papers will be taken up for scrutiny;
- (d) the place and the date on which and the hours between which a candidate may withdraw his candidature; and
- (e) the place and date on which, and the hours between which the voting shall take place, should there be a poll.

The filing of nomination, withdrawal of nomination shall take place before the date of special meeting so fixed. The notice shall also be served on the members in the same manner as specified in section 235 of the Act.

5. *Presiding Officer to preside over a special meeting.*— The Special meeting for co-option of members shall be presided over by the Presiding Officer.

6. *Filing of nomination papers.*— (1) The nomination of every candidate shall be made by filing of a nomination paper in the Form - I appended hereto.

(2) Every nomination paper shall be signed by two members as proposer and seconder and the candidate shall sign a declaration expressing his willingness to contest for the elections of co-option of members.

(3) Each candidate shall file a separate nomination paper.

(4) Every nomination shall be presented to the Presiding Officer by the candidate in person on the date, at the place and during the hours specified in the Notice for filing nomination papers along with a Caste certificate issued by the competent authority.

(5) On receiving a nomination paper, the Presiding Officer shall satisfy himself that the name and number of the voters list of the candidate as entered in the nomination paper are the same as those entered in the voters list:

Provided that the Presiding Officer shall cause correction of any clerical or technical error in the nomination paper in regard to the said name or number in order to bring them in conformity with the corresponding entries in the voters list, and wherever necessary, direct that any clerical or printing error in the said entries be overlooked.

(6) Immediately after the time for receipt of nomination papers is over, the Presiding Officer shall cause to be published a list, as per Form-II appended hereto containing the names of the candidates whose nominations have been received, by affixing it on the Notice Board of the Panchayat at its Office.

7. *Scrutiny of nomination papers.*— (1) On the date appointed for the scrutiny of nomination papers, the candidates, their proposers and seconders shall attend at such place and time as is specified in the notice for the scrutiny of nomination papers and the Presiding Officer shall give such persons all reasonable facilities to examine the nomination papers of all the candidates which have been received as aforesaid.

(2) The Presiding Officer shall then examine the nomination papers and shall decide all objections which may be made at the time, to any nomination and may, either on such objection, or on his own motion and, after such summary enquiry, if any, as he may deem necessary, reject any nomination on any one or more of the following grounds:—

- (a) that the candidate suffers from any of the disqualifications mentioned in section 10 of the Act;
- (b) that the proposer or seconder is a person who is not a member of the Panchayat;
- (c) that the candidate does not belong to the Scheduled caste Community and he is not a voter within the limits of Panchayat where he filed his nomination;
- (d) that the proposer or seconder is debarred by a competent Court or authority from taking part in the meetings of the Panchayat;

Provided that the nomination of a candidate shall not be rejected merely on the ground of an incorrect description of his name or of the name of his proposer or seconder or of any other particulars relating to the candidate or his proposer or seconder, if the identity of the candidate, proposer or seconder, as the case may be, may otherwise be established beyond reasonable doubt.

(3) The Presiding Officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected, shall record in writing a brief statement of reasons for such rejection.

8. *Publication of the list of nominated candidates.*— The Presiding Officer shall, before the time fixed for the special meeting, cause to be published a list containing the names of the validly nominated candidates as per Form III appended hereto by affixing it on the Notice Board of the Panchayat at its office.

9. *Withdrawal of candidature.*— A candidate may withdraw his candidature by giving a notice in writing to that effect to the Presiding Officer within the time limit specified in clause (d) of sub-rule (2) of rule 4. Such notice of withdrawal shall be in Form IV appended hereto.

10. *Procedure after publication of the list of validly nominated candidates.*— (1) If the number of the candidates is equal to the number of vacancies, the Presiding Officer shall declare such candidate duly elected as co-opted member.

(2) If the number of candidates exceeds the number of persons to be co-opted, election shall be held by secret ballot and voting of the members present at the meeting.

11. *Procedure for adjournment of a special meeting.*— If for sufficient reasons, the members fail to co-opt (a person as a member) the Presiding Officer shall adjourn the special meeting to another date which shall be notified by the Director in due course.

12. *Voting and result of election.*— (1) The Presiding Officer shall cause such arrangements to be made as will ensure the secrecy of the ballot.

(2) The Block Development Officer shall cause to be prepared a list of all the members who are entitled to vote at the election of co-option of member, and he shall also provide such other articles as may be necessary for holding such election.

(3) The ballot paper shall be in Form-V appended hereto and the Presiding Officer shall cause to be prepared in the manner specified in succeeding sub-rule sufficient number of ballot papers and each ballot paper shall be authenticated by the seal and the signature of the Presiding Officer.

(4) The names of duly nominated candidates who have not withdrawn their candidature shall be typed or legibly written in

Roman and Devanagari script on the ballot paper in the alphabetical order of their names in Roman script. After the name of the candidate a place shall be kept to put a cross mark (X) or tick off (✓).

(5) Every member desiring to vote shall be supplied with one ballot paper. The voter shall place a cross mark (X) or tick off (✓) in column (2) of the ballot paper against the name of candidate with a pencil of any colour whichever may be available at the polling station:

Provided that if a voter is illiterate or by reason of infirmity is unable to vote in the above manner, the Presiding Officer shall, at the request of such voter, make the marks on the ballot paper according to the directions of such voter and shall cause the ballot paper so marked to be placed in the ballot box.

(6) He shall then fold up the ballot paper so as to conceal his vote and deposit the same in a ballot box placed in the view of the Presiding Officer.

(7) Every member wishing to cast his vote shall do so in person and not by proxy.

(8) The Presiding Officer shall, after the voting is over, count the votes in the presence of such members as may be present and declare the candidate securing the largest numbers of valid votes to have been elected as co-opted member.

(9) In the event of there being an equality of votes between the candidates, the Presiding Officer shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected as co-opted member.

13. *Validity of ballot papers.* — Any ballot paper which bears any mark or any signature of any voting member by which the voter may be identified or in which the mark (X) or tick off (✓) is placed against more than one candidate or in an ambiguous manner or which is a spurious ballot paper, shall be invalid.

14. *Preparation of record of proceedings and publication of result of election.* — Immediately after the special meeting the Presiding Officer shall, —

(a) prepare a record of the proceedings at the meeting and sign it, attest with his initials at every correction made therein and also permit any member present at the meeting to affix his signature to such record if he expresses his desire to do so;

(b) publish on the Notice Board of the Panchayat a Notification in Form VI appended hereto, signed by Presiding Officer stating the name of the person elected as

co-opted member and send a copy of such Notification in duplicate to the Block Development Officer of the Taluka.

(c) get this result published in the Official Gazette.

15. *Packing and preservation of election records.* — (1) The Presiding Officer shall make up into separate bundles.

(i) such of the ballot papers as have been accepted as valid;
(ii) the remaining ballot papers which have been rejected as invalid, and

(iii) all other records including nomination papers, etc.

(2) He shall then make up the above three bundles into one packet and seal the packet noting thereon the description of the contents, the election to which they relate and the date thereof.

(3) The packets shall be retained in safe custody in the Office of the Block Development Officer of the Taluka concerned for a period of one year and shall then, unless otherwise directed by the Director, be destroyed.

16. *Production and inspection of election papers.* — While in the custody of the Block Development Officer, the packets of election records shall not be opened and their contents shall not be inspected by or produced before, any person or authority except under the orders of the Director.

17. *Filling up of vacancies.* — (1) A casual vacancy shall be filled by co-opting another person and the foregoing rules shall apply as far as may be.

(2) The term of the office of the Co-opted members shall be co-terminus with the term of other members of the Panchayat.

18. *Dispute regarding elections of Co-opted member.* — (1) In the event of any dispute arising as to the validity of the election of co-opted member or any matter pertaining thereto the dispute shall be filed before the Director and the decision of the Director thereon shall be final:

Provided that no such dispute shall be entertained by the Director if the same is not filed in the form of election petition duly verified by the petitioner, within a period of 15 days from the date of declaration of result as aforesaid.

(2) The Director, in deciding a dispute under sub-rule(1), shall have the same powers and shall follow the same procedure as is provided for deciding election petition under the provisions of the Act and rules framed thereunder.

FORM - I

[See Sub-rule (1) of rule (6)]

Nomination form for election as Co-opted Member

- (1) Name of the Panchayat _____
- (2) Full name of the candidate _____
- (3) Father's or Husband's name _____
- (4) Age _____
- (5) Sex _____
- (6) Address _____
- (7) Full name and address of the proposer _____
- (8) Full name and address of the seconder _____

(1) Signature of the proposer _____ (2) Signature of the seconder _____

Date: _____ Date: _____

Place: _____ Place: _____

Candidate's Declaration

I, the above named candidate, hereby give my consent to this nomination.

Date: _____

Place: _____ Signature of the Candidate _____

Endorsement by the Presiding Officer

Serial number _____

This nomination paper was presented to me by _____

_____ (name) at _____ (hour) _____

(on) _____ (date). Decision of Presiding Officer. Accepted/
Rejected (If rejected, give reasons).

Date: _____

Place: _____ Signature of the Presiding Officer. _____

Serial No. _____

Received nomination paper of Shri/Smt _____
for election as Co-opted member of Village Panchayat proposed and
seconded by (1) _____ and (2) _____
respectively which was presented to me at _____
(Place) at _____ (time) on this _____ day of _____
19 _____ by Shri _____

Signature of the Presiding Officer

* Strike out whichever is inapplicable.

FORM - II

[See rule 6 (6)]

List of candidates whose nominations have been received for election of co-opted member.

Sr. No.	Name of candidate	Address of candidate	Remarks
(1)	(2)	(3)	(4)
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			

Date:-

Place:-

Signature of the Presiding Officer.

FORM - III

(See rule 8)

List of the candidates validly nominated for election as co-opted member

Sr. No.	Name of candidate	Address of candidate	Remarks
(1)	(2)	(3)	(4)
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			

Date:-

Place:-

Signature of the Presiding Officer.

*Strike out whichever is inapplicable.

FORM - IV

Notice of Withdrawal

(See rule 9)

Election for Co-option of Members of _____ Panchayat.

To,

The Presiding Officer,

_____ Village Panchayat.

Sub:- Withdrawal of candidature _____

Sir,

I, the undersigned, Shri _____ a candidate validly nominated for the post of Co-opted member of _____ Panchayat, do hereby give notice that I withdraw my candidature.

Yours faithfully,

Place:

Signature of the Candidate

Date:

Department of Personnel

This Notice was delivered to me at _____ (hours) on _____ (date) by _____ (name) the candidate.

Date: _____ Signature of Presiding Officer

Receipt of notice of Withdrawal

(To be handed over to the person delivering the notice)

The Notice of withdrawal of candidature by _____ a candidate at the election to the _____ was delivered to me by the _____ at _____ (hours) on _____ (date)

Signature of the Presiding Officer

*Strike out whichever is inapplicable.

FORM - V

[See rule 12 (3)]

Ballot Paper

Village Panchayat		Signature and Seal of the Presiding officer.
Sr. No.	Name of the candidate with the name of father or husband and residence	For mark (X) by Voter
(1)	_____	_____
(2)	_____	_____
(3)	_____	_____
(4)	_____	_____

FORM - VI

Notification

[See rule 14 (b)]

In pursuance of powers conferred by clause (b) of rule 14 of the Goa Panchayat Raj (Co-option of Members) Rules, 1997, I, the Presiding Officer, do hereby declare that the persons specified in columns (2) of the Schedule below are duly elected as co-opted member to the Village Panchayat mentioned in the corresponding entry in column (1) of the said Schedule.

SCHEDULE

Name of Village Panchayat	Name of Co-opted member and his address
(1)	(2)
_____	_____
_____	_____

Place:

Date: _____ Presiding Officer

Copy to the Director of Panchayat, Panaji.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats and Ex-Officio Joint Secretary.

Panaji, 8th October, 1997.

Notification

1/2/83-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, and in supersession of the existing Recruitment Rules for the relevant posts, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Goa General Service, Group 'A' Gazetted post in the Office of Commissioner of Labour, Government of Goa, namely:—

1. *Short title, application and commencement.*— (1) These rules may be called the Government of Goa, Office of the Commissioner of Labour, Group 'A' Gazetted post, Recruitment Rules, 1997.

(2) They shall apply to the posts specified in column (1) of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of their publication in the Official Gazette.

2. *Number, classification and scales of pay.*— The number of posts, classification of the said post and the scales of pay attached thereto shall be as specified in columns (2) to (4) of the said Schedule:

Provided that the Government may vary the number of posts in column (2) of the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.*— The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns (5) to (13) of the said Schedule.

4. *Disqualification.*— No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax.*— Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Goa Public Service Commission, relax any of the provision of these rules with respect to any class or category of persons.

6. *Saving.*— Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for scheduled castes, and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

7. These rules are issued in consultation with the Goa Public Service Commission, vide their letter No. COM/II/13/28(2)/97 dated 29-7-1997.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Under Secretary (Personnel).

Panaji, 14th October, 1997.

SCHEDULE

Name/ Designation of post	Number of posts	Classifi- cation	Scale of pay	Whether selection post or non- selection post	Age limit for direct recruits	Whether the benefit of added years of service is admissible under Rule 30 of CCS (Pension) Rules, 1972	Educational and other quali- fications required for direct recruits	Whether age & educational qualifications prescribed for the direct recruits will apply in the case of promotees.	Period of probation, if any	Method of recruit- ment, whether by direct recruitment or by promotion or by deputation/ transfer/contract and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/ deputa- tion/transfer, grades from which promotion/ deputation/transfer is to be made	If a D P C exists, what is its compo- sition	Circumstances in which Goa Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
Admi- nistra- tive Medical Officer, Emplo- yees' State In- surance Scheme.	I (1997) Subject to vari- ation de- pendent on work- load.	Goa General Service 'A' Ga- zatted.	Rs. 3000- 100- 3500- 125- 4500.	Selec- tion	Not exceeding 40 years (Re- laxable for Government servants in accordance with the orders or instructions issued by the Government).	N. A.	<i>Essential:</i> (i) A recognised medical qualifi- cation included in the First Schedule or Second Schedule or Part II of the Third Schedule (other than Licentiate qualifi- cations) appended to the In- dian Medical Council Act, 1956 (Central Act c11 of 1956). Holders of educational qualifi- cations included in Part II of the Third Schedule should ful- fill the conditions stipulated in sub-section (3) of section 13 of the Indian Medical Council Act, 1956 (Central Act c11 of 1956). (ii) Post Graduate Degree. (iii) 3 years work in a responsible position connected with the speciality after post graduation. (iv) Knowledge of Konkani. <i>Note:</i> In case of non-availability of candidate with the knowledge of Konkani, this requirement can be relaxed. <i>Desirable:</i> Knowledge of Marathi	<i>Age:</i> No. 2 years. <i>Educa- tional Qualifi- cations:</i> No.		By promotion failing which by direct re- cruitment.	<i>Promotion:</i> I. M. O./A. M. O. (in the scale of Rs. 2200- 4000) with 5 years regular service in the grade	Group 'A' D. P. C. consisting of: (1) Chairman/ Member G. P. S. C. — Chairman. 1988 (2) Chief Secretary or his nomi- nee — —Member. (3) Administrative Secretary/ Head of De- partment —Member	As required under the G.P.S.C. (Ex- emption from Consultation, Regulations, 1988 Consulta- tion with the GPSC is neces- sary for making direct recruit- ment, confirma- tion and pro- motion and for amending/relax- ing any of the provisions of these rules